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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/456,900	12/08/1999	ALEXANDRE HENON	PHA-23.870	7059

7590 10/20/2003

CORPORATE PATENT COUNSEL  
U S PHILIPS CORPORATION  
580 WHITE PLAINS ROAD  
TARRYTOWN, NY 10591

EXAMINER

NGUYEN, THUAN T

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 10/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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*14*

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# Office Action Summary

Application No.

09/456,900

Applicant(s)

HENON, ALEXANDRE

Examiner

THUAN T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Withdrawal from Issue

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## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Applicant is advised that the Notice of Allowance mailed on 5/6/03 is vacated. If the issue fee has already been paid, applicant may request a refund or request that the fee be credited to a deposit account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted issue fee be applied. If abandoned, applicant may request refund or credit to a specified Deposit Account.
2. The indicated allowability of claims 1-19 is withdrawn in view of the newly discovered reference(s) to Uranaka et al. (US Patent 6,421,536). Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
*The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.*
4. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 7 recites the limitation "the wired telephone" in the claim language according to claim 1. There is insufficient antecedent basis for this limitation in the claim. Claim 1 only refers to "a wired device".

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***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless -*

*(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

6. Claims 1-2, 4-16 and 18-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Uranaka et al. (US Patent 6,421,436 B1/ or "Uranaka" hereinafter).

Regarding claim 1, Uranaka discloses a method of transferring an in-progress telephone call between a wireless device and a wired device (Fig. 1, a wired device responses to the call directly if a call notice is sent from the wireless device, col. 9/lines 37-51 & col. 15/lines 45-55), comprising:

establishing a short-range wireless communication link directly between the wireless device and wired devices, i.e., faint radio waves such as infrared or millimeter waves (col. 8/lines 11-24) representing short-range wireless communication link directly between the wireless device 103 and the wired device 104 (as illustrated in Fig. 1, and col. 8/lines 5-44);

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at the wireless device, receiving an identifier that has been transmitted from the wired device to the wireless device over the direct wireless communication link, i.e., an identifier such as address of the wired device is received at the wireless device (col. 16/lines 31-48);

at the wireless device, transmitting the identifier together with a call transfer request to enable the telephone call to be transferred to the wired device (col. 16/lines 49-60).

As for claim 2, in further view of claim 1 above, Uranaka further discloses “wherein the short-range wireless communication link conforms to a given radio frequency (RF) protocol”, i.e., radio wave transmission such as infrared light and millimeter waves is addressed in conforming to RF data communication protocol (col. 8/lines 11-24).

As for claim 4, in further view of claim 1 above, Uranaka further discloses “wherein the short-range wireless communication link is an infrared link”, i.e., infrared link is addressed (col. 8/lines 11-24).

As for claim 5, in further view of claim 1 above, Uranaka discloses “comprising: at the wireless device, transmitting a request message to the wired device requesting transmission of the identifier”, i.e., the identification such as the address of the wired device is transmitted to the wireless device (col. 16/lines 31-60).

As for claim 6, in further view of claim 1 above, Uranaka further discloses “comprising: in a network, receiving the identifier and the call transfer request transmitted from the wireless device; and re-routing the in-progress call to the wired device”, i.e., the exchange receives the

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identifier and the call transfer request and re-routes the in-progress call from the wireless device to the wired device (col. 16/lines 31-60).

As for claim 7, in further view of claim 1 and the Rejection 112-2nd above, Uranaka further discloses “wherein the identifier is a telephone number of the wired telephone”, i.e., in another embodiment of the present system, the fixed device can be a fixed telephone and the address of the fixed or wired device being replaced by the telephone number of the fixed telephone as an identifier for the exchange system to reroute the call (Fig. 25/item 2504, and col. 36/lines 59-67).

As for claims 8-13, these claims for “a method of transferring an in-progress telephone call between a wireless device and a wired device, comprising: establishing a first wireless communication link directly between the wireless and wired devices when the devices are in physical proximity to each other; at the wireless device, transmitting a request message to the wired device over the first direct wireless communication link requesting transmission of an identifier; at the wireless device, receiving the identifier that has been transmitted from the wired device to the wireless device over the first direct wireless communication link; at the wireless device, transmitting the identifier together with a call transfer request to a network device over a second communication link device; and at the network device, receiving the identifier together with the call transfer request and re-routing the in-progress call to the wired device” are rejected for the reasons given in the scope of claims 1-2, and 4-7 as discussed in details above.

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Regarding claim 14, Uranaka discloses a communications system (Fig. 1), comprising:  
a wireless device having a first transceiver (Fig. 2, as the wireless device has means for transmitting and receiving signals between other devices and itself, see col. 8/lines 29-44);

a wireline device having a second transceiver (Fig. 3, as the wired device has means for transmitting and receiving signals or calls between the wireless device and itself, see col. 8/lines 43-61);

a short-range wireless communications link over which the wireless and wireline devices communicate using their respective first and second transceivers, and means operative in the wireless device for transferring an in-progress telephone call from the wireless device to the wireline device, i.e., faint radio waves such as infrared or millimeter waves (col. 8/lines 11-24) representing short-range wireless communication link directly between the wireless device 103 and the wired device 104 (as illustrated in Fig. 1, and col. 8/lines 5-44) and the exchange receives the identifier and the call transfer request and re-routes the in-progress call from the wireless device to the wired device (col. 16/lines 31-60).

As for claim 15, in further view of claim 14 above, Uranaka further discloses “wherein the means for transferring comprises: means for transmitting a request message to the wired device over the direct wireless communications link requesting transmission of an identifier”, i.e., the identification such as the address of the wired device is transmitted to the wireless device (col. 16/lines 31-60).



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As for claim 16, in further view of claim 14 above, Uranaka further discloses “wherein each of the transceivers is provisioned according to a given RF protocol”, i.e., radio wave transmission such as infrared light and millimeter waves is addressed in conforming to RF data communication protocol (col. 8/lines 11-24).

Regarding claim 18, in view of claim 1 above, Uranaka discloses “a wireless device, comprising: a processor; a short-range wireless transceiver; memory coupled to the processor, tangibly embodying a program of instructions executable by the processor for transferring an in-progress telephone call from the wireless device to a selected wireline device, by the following method: controlling the short-range wireless transceiver to transmit a request message directly to the wired device over a short-range communications link requesting transmission of an identifier; controlling the short-range wireless transceiver to receive the identifier transmitted from the wired device directly to the wireless device over the short-range wireless communications link; and transmitting the identifier together with a call transfer request to a given network device to request re-routing of the in-progress telephone call” (Fig. 2 for processing means, control means, radio communication means, cellular faint radio wave communication means (short-range wireless communication link) and user interface means for components of the wireless device, and Fig. 10 for connection destination number storing means 1004 as a memory within the wireless device).

Regarding claim 19, in view of claim 1, Uranaka further discloses “a wireline device comprising: a processor; a short-range wireless transceiver; memory coupled to the processor, tangibly embodying a program of instructions executable by the processor for receiving a transfer

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of an in-progress telephone call from the wireless device by the following method steps:  
controlling the short-range wireless transceiver to receive a request message transmitted directly from the wireless device over a short-range wireless communications link requesting transmission of an identifier; and controlling the short-range wireless transceiver to transmit the identifier directly to the wireless device over the short-range wireless communications link” (Fig. 3 for faint radio wave communication means 301 (or short-range wireless communication link), control means 305, exchange communication means 302, user interface means 303, voice communication control means 306 & Fig. 11 for information storing means 1101 within the wired or fixed device).

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***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

8. Claims 3 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uranaka et al (U.S. Patent 6,421,536) in view of Raith (US Patent 6,493,550).

As for claims 3 and 17, in further view of claims 2 and 16 above, Uranaka does not address that the short-range RF communication protocol is Bluetooth”; however, the Examiner takes Official Notice that the short-range Bluetooth protocol is well known in the art for direct communication between nearby communication handsets. In fact, Raith suggests the use of Bluetooth protocol as for means to detect proximity of nearby device or system that the wireless device can make direct wireless connection (col. 6/lines 5-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to clarify Uranaka’s short-range wireless communication system with a known Bluetooth protocol as suggested by Raith in order to have direct wireless communication between devices according to the established Bluetooth technology as widely used years recently.

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*Conclusion*

9. **Any response to this action should be mailed to:**  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**  
**(703) 872-9314, (for Technology Center 2600 only)**


*Hand-delivered responses should be brought to Crystal Park II,  
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (703) 308-5860. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

Tony T. Nguyen  
Art Unit 2685  
August 20, 2003

  
EDWARD F. URBAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600